

Mornington Shire Council Local Law No. 4 (Indigenous Community Land Management) 2016

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Indigenous Community Land Management) 2016*.

2 Purpose

The purpose of this local law is to enable the local government with jurisdiction over land under the *Aboriginal Land Act 1991*, to regulate the use of the land.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from laws about Aboriginal interests in land; and
- (b) to be read with *Local Law No. 1 (Administration) 2016*.

Part 2 Camping sites

5 Designation of camping sites

- (1) The local government may, by resolution, designate a part of its local government controlled area for the purposes of camping (a *camping site*).
- (2) A resolution may be made under subsection (1) for a place that is Aboriginal land only with the written consent of the grantee of the land.

6 Conditions on use of camping site

- (1) The local government may, by subordinate local law, prescribe conditions regarding the use of a camping site, which may have regard to the traditional and cultural land uses of the residents of the local government area or persons who have a particular connection with the camping site under Aboriginal tradition and custom.
- (2) A person must not breach a condition prescribed under subsection (1) regarding the use of a camping site.

Maximum penalty for subsection (2)—20 penalty units.

7 Fee for camping approval

Prescribed fees fixed by the local government for approvals for the prescribed activity of camping within a camping site in a trust area under *Local Law No. 1 (Administration) 2016* may differ for residents and non-residents of the local government's area.²

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² See the Act, section 97, regarding the local government's power to fix cost-recovery fees.

8 Temporary closures

- (1) An authorised person may temporarily close the whole, or part, of a camping site—
 - (a) if the authorised person reasonably believes that there is a likelihood of flooding, fire, other danger or emergency that may pose a risk to a person camping at the site; or
 - (b) if such closure is necessary for the observance of a traditional or cultural practice; or
 - (c) if such closure is necessary for maintenance or other work to be carried out; or
 - (d) if such closure is necessary for the rehabilitation of the place or site; or
 - (e) if such closure is necessary to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A person must not camp in a camping site, or a part of a camping site, that is closed.

Maximum penalty for subsection (2)—20 penalty units.

Part 3 Parks and reserves

9 Application to Aboriginal land

A subordinate local law under this part may be made in relation to a place that is Aboriginal land only with the written consent of the grantee.

10 Designation of parks and reserves

- (1) The local government may, by subordinate local law, designate land within its local government controlled area as a *park*³.
- (2) The local government may, by subordinate local law, designate land within its local government controlled area as a *reserve*.

11 Prohibited and restricted activities

- (1) The local government may, by subordinate local law, declare an activity to be—
 - (a) prohibited in all or part of a local government controlled area or road (a *prohibited activity*); or
 - (b) restricted in all or part of a local government controlled area or road (a *restricted activity*).
- (2) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

12 Notice of motor vehicle access areas and prohibited vehicles

- (1) The local government must take reasonable steps to provide notice to members of the public regarding—

³ Land should be designated as a park (rather than as a reserve) if it is to be used predominantly for public recreation.

- (a) declarations of motor vehicle access areas for the purpose of the definition of *motor vehicle access area*; and
 - (b) declarations of prohibited vehicles for the purpose of the definition of *bringing or driving prohibited vehicles onto motor vehicle access areas*, *Local Law No. 1 (Administration) 2016*, Schedule 2.
- (2) **Reasonable steps** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area, stating—
- (a) a description of the declared motor vehicle access area; and
 - (b) a description of prohibited vehicles for the area.

Part 4 Miscellaneous

13 Numbering of premises and allotments adjoining a road

- (1) The local government may decide the number for a building or allotment within its local government area.
- (2) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system decided by the local government under subsection (1).

Maximum penalty for subsection (1)—10 penalty units.

- (3) An owner of land (other than vacant land) must display the number allocated by the local government under subsection (1) so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

14 Subordinate local laws

The local government may make subordinate local laws about—

- (a) conditions regarding the use of a camping site;⁴ and
- (b) designating land as a park;⁵ and
- (c) designating land as a reserve;⁶ and
- (d) declaration of prohibited or restricted activities for a local government controlled area or road.⁷

⁴ See section 6(1).

⁵ See section 10(1).

⁶ See section 10(2).

⁷ See section 11(1).

Schedule 1 Dictionary

Section 3

Aboriginal land see the *Aboriginal Land Act 1991*, section 8.

authorised person see *Local Law No.1 (Administration) 2016*, schedule 1.

camping site see section 5.

emergency services vehicles includes ES vehicles, as defined in the *Fire and Emergency Services Act 1990* and ambulances and police vehicles.

motor vehicle access area see *Local Law No. 1 (Administration) 2016*, Schedule 1.

park includes part of a park.

prescribed fee see *Local Law No.1 (Administration) 2016*, schedule 1.

reserve includes part of a reserve.

resident means a member of the community residing in the local government area.

the Act means the *Local Government Act 2009*.